

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REX DEAN PENLAND, )  
                        )  
Petitioner,         )  
                        )  
v.                    ) 1:12CV1169  
                        ) 1:10CR25-1  
UNITED STATES OF AMERICA, )  
                        )  
Respondent.         )

ORDER

On October 2, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections [Doc. #48] to the Recommendation within the time limit prescribed by Section 636. The Court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #45], which is affirmed and adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion [Doc. #33] and Amended Motion [Doc. #34] to vacate, set aside or correct sentence are DENIED, and this action is DISMISSED, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This the 20<sup>th</sup> day of November, 2015.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge